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Attorneys for Defendant
VICTOR CONTE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHANE D. MOSLEY, SR.,

Plaintiff,

vs.

VICTOR CONTE,

Defendant.

Case No. C 08-01777 JSW

**JOINT STATEMENT RE: EXISTENCE
OF DIVERSITY SUBJECT MATTER
JURISDICTION**

HON. JEFFREY S. WHITE

1 In compliance with the Court's May 30, 2008 Order, the parties submit this joint
 2 statement regarding the existence of diversity subject matter jurisdiction pursuant to 28 U.S.C.
 3 section 1332.

4 **A. PLAINTIFF'S POSITION**

5 Plaintiff contends that subject matter jurisdiction exists in this case pursuant to 28 U.S.C.
 6 § 1332 as Plaintiff is domiciled in the State of Nevada and Defendant, upon information and
 7 belief, is domiciled in the State of California.

8 **B. DEFENDANT'S POSITION**

9 Defendant believes that, in light of Plaintiff's ownership of California-based assets and
 10 other evidence indicating California domicile, there is a substantial question regarding Plaintiff's
 11 domiciliary intent. Defendant has set Plaintiff's deposition for June 25, 2008 and propounded a
 12 Rule 34 request for inspection for documents related to Plaintiff's domicile. Following the
 13 completion of this discovery, Defendant will determine whether a motion to dismiss for lack of
 14 subject matter jurisdiction lies.

15
 16 DATED: June 10, 2008


JUDD BURSTEIN, P.C.

17
 18 By _____

JUDD BURSTEIN

19 Attorneys for Plaintiff
 20 Shane D. Mosley, Sr.

21
 22 DATED: June 10, 2008

KERR & WAGSTAFFE LLP

23
 24 By _____


 IVO LABAR

25 Attorneys for Defendant
 26 Victor Conte